TITLE 21—FOOD AND DRUGS

CHAPTER 4—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

SUBCHAPTER III—PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

§ 114d–1. Cooperation with public and private organizations and individuals in control and eradication of foot-and-mouth disease, rinderpest, and screw-worm

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114b, 114c, 129 of this title; title 16 section 1540.

§ 117. Transportation of diseased livestock or live poultry; penalty

Any person or persons operating any railroad, or master or owner of any boat or vessel, or owner or custodian of, or person having control over, cattle or other livestock or live poultry who shall knowingly violate the provisions of section 115 of this title shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(As amended Oct. 10, 1978, Pub. L. 95–439, § 1, 92 Stat. 1061.)

AMENDMENTS

1978—Pub. L. 95–439 struck out provision requiring the Secretary of Agriculture to notify in writing the proper officials of any railroad, steamboat, or other transportation company doing business in an infected area of the existence of a contagion and to publish in newspapers the existence of a contagion.

§ 123. Quarantine

The Secretary of Agriculture is authorized to quarantine by regulation any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that any animals or live poultry in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia.

(As amended Oct. 10, 1978, Pub. L. 95–439, § 2, 92 Stat. 1061.)

AMENDMENTS

1978—Pub. L. 95–439 struck out provision requiring the Secretary of Agriculture to give written notice of the establishment of quarantine to the proper officials of railroads, steamboats, or other transportation systems and to publish notice of the establishment of quarantine in newspapers in the quarantined State or Territory or the District of Columbia.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 128 of this title; title 16 section 1540.

§ 125. Regulations for inspection, disinfection, and certification, and delivery and shipment of quarantined animals and live poultry from State or Territory

It shall be the duty of the Secretary of Agriculture, and he is authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of quarantined animals or live poultry from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia.

(As amended Oct. 10, 1978, Pub. L. 95–439, § 3, 92 Stat. 1061.)

AMENDMENTS

1978—Pub. L. 95–439 struck out provision requiring the Secretary of Agriculture to give notice of rules and regulations in the manner prescribed in section 123 of this title for notice of establishment of quarantine.

§ 129. Expenses for arrest and eradication of contagious or infectious diseases of animals; transfer of appropriations

The Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

(Pub. L. 95–448, title I, § 101, Oct. 11, 1978, 92 Stat. 1076.)

REFERENCES IN TEXT

The Act of February 28, 1947, as amended, referred to in text, is act Feb. 28, 1947, ch. 8, 61 Stat. 7, as amended, which enacted sections 114b to 114d-1 of this title and enacted a provision set out as a note under section 114b of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is from the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1979.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Aug. 12, 1977, Pub. L. 95-97, title I, § 101, 91 Stat. 813.

July 12, 1976, Pub. L. 94-351, title I, § 101, 90 Stat. 854.

CHAPTER 9—FEDERAL FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER IV—FOOD

Sec.
343a. Health risk statement on vending machines dispensing food containing saccharin; availability and distribution of information respecting health risks of saccharin [New].

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 453, 457, 466, 467, 467f, 601, 607, 620, 679, 811, 829, 902, 1033, 1049, 1052 of this title; title 7 sections 136v, 1431c; title 15 sections 70j, 1261, 1263, 1459, 1460, 2079; title 18 section 42; title 26 sections 170, 4817; title 42 sections 262, 3512.

SUBCHAPTER I—SHORT TITLE

§ 301. Short title

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95-203, § 1, Nov. 23, 1977, 91 Stat. 1451, provided that: "This Act [which enacted section 343a of this title, amended sections 321 and 343 of this title, enacted provisions set out as notes under sections 343 and 348 of this title, and amended provisions set out as notes under sections 218 and 289*l*-1 of Title 42, The Public Health and Welfare] may be cited as the 'Saccharin Study and Labeling Act'."

SUBCHAPTER II—DEFINITIONS

§ 321. Definitions; generally

For the purposes of this chapter—

[*See main edition for text of* (*a*) *to* (*y*)]

(z) The term "saccharin" includes calcium saccharin, sodium saccharin, and ammonium saccharin.

(As amended Nov. 23, 1977, Pub. L. 95-203, § 4(b)(3), 91 Stat. 1453.)

AMENDMENTS

1977—Subsec. (z). Pub. L. 95-203 added subsec. (z).

SUBCHAPTER IV—FOOD

§ 343. Misbranded food

A food shall be deemed to be misbranded—

[*See main edition for text of* (*a*) *to* (*n*)]

(o) Saccharin for immediate consumption

(1) If it contains saccharin, unless, except as provided in paragraph (2), its label and labeling bear the following statement: "USE OF THIS PRODUCT MAY BE HAZARDOUS TO YOUR HEALTH. THIS PRODUCT CONTAINS SACCHARIN WHICH HAS BEEN DETERMINED TO CAUSE CANCER IN LABORATORY ANIMALS". Such statement shall be located in a conspicuous place on such label and labeling as proximate as possible to the name of such food and shall appear in conspicuous and legible type in contrast by typography, layout, and color with other printed matter on such label and labeling.

(2) The Secretary may by regulation review and revise or remove the requirement of paragraph (1) if the Secretary determines such action is necessary to reflect the current state of knowledge concerning saccharin.

(p) Saccharin not for immediate consumption

(1) If it contains saccharin and is offered for sale, but not for immediate consumption, at a retail establishment, unless such retail establishment displays prominently, where such food is held for sale, notice (provided by the manufacturer of such food pursuant to paragraph (2) for consumers respecting the information required by subsection (*o*) of this section to be on food labels and labeling.

(2) Each manufacturer of food which contains saccharin and which is offered for sale by retail establishments but not for immediate consumption shall, in accordance with regulations promulgated by the Secretary pursuant to paragraph (4), take such action as may be necessary to provide such retail establishments with the notice required by paragraph (1).

(3) The Secretary may by regulation review and revise or remove the requirement of paragraph (1) if he determines such action is necessary to reflect the current state of knowledge concerning saccharin.

(4) The Secretary shall by regulation prescribe the form, text, and manner of display of the notice required by paragraph (1) and such other matters as may be required for the implementation of the requirements of that paragraph and paragraph (2). Regulations of the Secretary under this paragraph shall be promulgated after an oral hearing but without regard to the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and chapter 5 of title 5. In any action brought for judicial review of any such regulation, the reviewing court may not postpone the effective date of such regulation.

(As amended Nov. 23, 1977, Pub. L. 95-203, § 4(a)(1), (b)(1), 91 Stat. 1452, 1453.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (p)(4), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

1977—Subsec. (o). Pub. L. 95-203, § 4(a)(1), added subsec. (o).

Subsec. (p). Pub. L. 95-203, § 4(b)(1), added subsec. (p).

EFFECTIVE DATE OF 1977 AMENDMENT

Section 4(a)(2) of Pub. L. 95-203 provided that: "The amendment made by paragraph (1) [adding subsec. (o) of this section] shall apply only with respect to food introduced or delivered for introduction in interstate commerce on and after the 90th day after the date of the enactment of this Act [Nov. 23, 1977]."

Section 4(b)(2) of Pub. L. 95-203 provided that: "The amendment made by paragraph (1) [adding subsec. (p) of this section] shall apply with respect to food which is sold in retail establishments on or after the 90th day after the effective date of the regulations of the Secretary of Health, Education, and Welfare under paragraph (p)(4) of the Federal Food, Drug, and Cosmetic Act [subsec. (p)(4) of this section]."

STUDIES CONCERNING CARCINOGENIC AND OTHER TOXIC SUBSTANCES IN FOOD AND IMPURITIES IN AND TOXICITY OF SACCHARIN

Section 2 of Pub. L. 95-203 provided that:

"(a)(1) The Secretary of Health, Education, and Welfare (hereinafter in this Act [see Short Title of 1977 Amendment note set out under section 301 of this title] referred to as the 'Secretary') shall arrange, in accordance with subsection (b), for the conduct of a study, based on available information, of—

"(A) current technical capabilities to predict the direct or secondary carcinogenicity or other toxicity in humans of substances which are added to, become a part of, or naturally occur in, food and which have been found to cause cancer in animals;

"(B) the direct and indirect health benefits and risks to individuals from foods which contain carcinogenic or other toxic substances;

"(C) the existing means of evaluating the risks to health from the carcinogenicity or other toxicity of such substances, the existing means of evaluating the health benefits of foods containing such substances, and the existing statutory authority for, and appropriateness of, weighing such risks against such benefits;

"(D) instances in which requirements to restrict or prohibit the use of such substances do not accord with the relationship between such risks and benefits; and

"(E) the relationship between existing Federal food regulatory policy and existing Federal regulatory policy applicable to carcinogenic and other toxic substances used as other than foods.

"(2) The Secretary shall arrange, in accordance with subsection (b), for the conduct of a study to determine, to the extent feasible—

"(A) the chemical identity of any impurities contained in commercially used saccharin,

"(B) the toxicity or potential toxicity of any such impurities, including their carcinogenicity or potential carcinogenicity in humans, and

"(C) the health benefits, if any, to humans resulting from the use of nonnutritive sweeteners in general and saccharin in particular.

"(b)(1) The Secretary shall first request the National Academy of Sciences (hereinafter in this section referred to as the 'Academy'), acting through appropriate units, to conduct the studies, required by subsection (a), under an arrangement whereby the actual expenses incurred by the Academy directly related to the conduct of such studies will be paid by the Secretary. If the Academy agrees to such request, the Secretary shall enter into such an agreement with the Academy.

"(2) If the Academy declines the Secretary's request to conduct any such study under such an arrangement, then the Secretary shall enter into a similar arrangement with another appropriate public or nonprofit private entity to conduct such study.

"(3) Any arrangement entered into under paragraph (1) or (2) of this subsection for the conduct of a study shall require that such study be completed and reports thereon be submitted within such period as the Secretary may require to meet the requirements of subsection (c).

"(c)(1) Within 12 months of the date of the enactment of this Act [Nov. 23, 1977] the Secretary shall report to the Committee on Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives (A) the results of the study conducted pursuant to subsection (a)(2) (including supporting data and other materials provided by the entity which conducted the study), and (B) any action proposed to be taken on the basis of the results of the study.

"(2) Within 15 months of the date of the enactment of this Act [Nov. 23, 1977] the Secretary shall report to the Committee on Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives (A) the results of the studies (including supporting data and other materials provided by the entity which conducted the study) conducted pursuant to subsection (a)(1), (B) the recommendations, if any, of such entity for legislative and administrative action, and (C) such recommendations for legislative action as the Secretary deems necessary.

"(d) For purposes of this section and section 3 [set out as a note under section 348 of this title], the term 'saccharin' includes calcium saccharin, sodium saccharin, and ammonium saccharin."

REPORT TO CONGRESSIONAL COMMITTEES RESPECTING ACTION TAKEN PURSUANT TO SUBSEC. (o)(2)

Section 4(a)(3) of Pub. L. 95-203 provided that: "The Secretary shall report to the Committee on Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives any action taken under section 403(o)(2) of the Federal Food, Drug, and Cosmetic Act [subsec. (o)(2) of this section]."

§ 343a. Health risk statement on vending machines dispensing food containing saccharin; availability and distribution of information respecting health risks of saccharin

(a) The Secretary may by regulation require vending machines through which food containing saccharin is sold to bear a statement of the risks to health which may be presented by the use of saccharin. A regulation under this subsection shall require such statement to be located in a conspicuous place on such vending machine and as proximate as possible to the name of each food containing saccharin which is sold through such machine. Any food containing saccharin which is sold in a vending machine which does not meet any applicable requirement promulgated under this subsection shall, for purposes of this chapter, be considered a misbranded food.

(b) The Secretary shall (1) prepare information respecting the nature of the controversy surrounding the use of food containing saccharin, and (2) provide for the distribution of such information for display by retail establishments where such food is sold but not for immediate consumption. The Secretary may review and revise such information if he determines such action is necessary to reflect the current state of knowledge concerning the risks to health presented by the use of saccharin.

(Pub. L. 95-203, § 4(c), (d), Nov. 23, 1977, 91 Stat. 1453, 1454.)

CODIFICATION

Subsecs. (a) and (b) of this section were, in the original, designated as "(c)" and "(d)" and have been editorially changed for codification purposes.

Section was enacted as a part of Pub. L. 95-203, known as the Saccharin Study and Labeling Act and not as a part of act June 25, 1938, ch. 675, 52 Stat. 1040, known as the Federal Food, Drug, and Cosmetic Act, which comprises this chapter.

§ 348. Food additives

MORATORIUM ON AUTHORITY OF SECRETARY WITH RESPECT TO SACCHARIN

Pub. L. 95-203, § 3, Nov. 23, 1977, 91 Stat. 1452, provided that:

"During the 18-month period beginning on the date of the enactment of this Act [Nov. 23, 1977], the Secretary—

"(1) may not amend or revoke the interim food additive regulation of the Food and Drug Administration of the Department of Health, Education, and Welfare applicable to saccharin and published on March 15, 1977 (section 180.37 of part 180, subchapter B, chapter 1, title 21, Code of Federal Regulations (42 Fed. Reg. 14638)), or

"(2) may, except as provided in section 4 [enacting section 343a of this title, amending sections 321 and 343 of this title, and enacting provisions set out as notes under section 343 of this title] and the amendments made by such section, not take any other action under the Federal Food, Drug, and Cosmetic Act [this chapter] to prohibit or restrict the sale or distribution of saccharin, any food permitted by such interim food additive regulation to contain saccharin, or any drug or cosmetic containing saccharin,

solely on the basis of the carcinogenic or other toxic effect of saccharin as determined by any study made available to the Secretary before the date of the enactment of this Act [Nov. 23, 1977] which involved human studies or animal testing, or both."

For definition of "saccharin" as used in this note, see section 2(d) of Pub. L. 95-203, set out as a note under section 343 of this title.

SUBCHAPTER V—DRUGS AND DEVICES

§ 352. Misbranded drugs and devices

A drug or device shall be deemed to be misbranded—

[*See main edition for text of* (a) *to* (m)]

(n) Prescription drug advertisements; established name; quantitative formula; side effects, contradictions, and effectiveness; prior approval; false advertising; labeling; construction of the Convention on Psychotropic Substances

In the case of any prescription drug distributed or offered for sale in any State, unless the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug a true statement of (1) the established name as defined in subsection (e) of this section, printed prominently and in type at least half as large as that used for any trade or brand name thereof, (2) the formula showing quantitatively each ingredient of such drug to the extent required for labels under subsection (e) of this section, and (3) such other information in brief summary relating to side effects, contraindications, and effectiveness as shall be required in regulations which shall be issued by the Secretary in accordance with the procedure specified in section 371(e) of this title: *Provided*, That (A) except in extraordinary circumstances, no regulation issued under this subsection shall require prior approval by the Secretary of the content of any advertisement, and (B) no advertisement of a prescription drug, published after the effective date of regulations issued under this subsection applicable to advertisements of prescription drugs, shall with respect to the matters specified in this subsection or covered by such regulations, be subject to the provisions of sections 52 to 57 of title 15. This subsection (n) shall not be applicable to any printed matter which the Secretary determines to be labeling as defined in section 321(m) of this title. Nothing in the Convention on Psychotropic Substances, signed at Vienna, Austria, on February 21, 1971, shall be construed to prevent drug price communications to consumers.

[*See main edition for text of* (o) *to* (t)]

(As amended Nov. 10, 1978, Pub. L. 95-633, title I, § 111, 92 Stat. 3773.)

AMENDMENTS

1978—Subsec. (n). Pub. L. 95-633 added provision relating to the construction of the Convention on Psychotropic Substances.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-633 effective on the date the Convention on Psychotropic Substances enters into force in the United States, see section 112 of Pub. L. 95-633, set out as an Effective Date note under section 801a of this title.

CHAPTER 12—MEAT INSPECTION

SUBCHAPTER I—INSPECTION REQUIREMENTS; ADULTERATION AND MISBRANDING

§ 601. Definitions

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-445, § 1, Oct. 10, 1978, 92 Stat. 1069, provided: "That this Act [which amended sections 603, 610, and 620 of this title and sections 1902 and 1904 of Title 7, Agriculture, repealed sections 1903 and 1905 of Title 7, and enacted this provision and provisions set out as notes under section 603 of this title] may be cited as the 'Humane Methods of Slaughter Act of 1978'."

§ 603. Inspection of meat and meat food products

(a) Examination of animals before slaughtering; diseased animals slaughtered separately and carcasses examined

For the purpose of preventing the use in commerce of meat and meat food products which are adulterated, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and

meat food products thereof are to be used in commerce; and all cattle, sheep, swine, goats, horses, mules, and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, goats, horses, mules, or other equines, and when so slaughtered the carcasses of said cattle, sheep, swine, goats, horses, mules, or other equines shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary, as provided for in this subchapter.

(b) Humane methods of slaughter

For the purpose of preventing the inhumane slaughtering of livestock, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of the method by which cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered and handled in connection with slaughter in the slaughtering establishments inspected under this chapter. The Secretary may refuse to provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at a slaughtering establishment if the Secretary finds that any cattle, sheep, swine, goats, horses, mules, or other equines have been slaughtered or handled in connection with slaughter at such establishment by any method not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901–1906) until the establishment furnishes assurances satisfactory to the Secretary that all slaughtering and handling in connection with slaughter of livestock shall be in accordance with such a method.

(As amended Oct. 10, 1978, Pub. L. 95–445, § 2, 92 Stat. 1069.)

REFERENCES IN TEXT

The Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901–1906), referred to in subsec. (b), is Pub. L. 85–765, Aug. 27, 1958, 72 Stat. 862, which is classified generally to chapter 48 (§ 1901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables.

Sections 1903 and 1905 of Title 7, included within reference to act August 27, 1958, were repealed by Pub. L. 95–445, § 5(b), Oct. 10, 1978, 92 Stat. 1069, effective as set forth in section 7 of Pub. L. 95–445, set out as an Effective Date of 1978 Amendment note below.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–445 designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 95–445 added subsec. (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Section 7 of Pub. L. 95–445 provided that: "The provisions of this Act [see Short Title of 1978 Amendment note set out under section 601 of this title] shall become effective one year after the date of enactment [Oct. 10, 1978]. However, such provisions shall not apply to a person, firm, or corporation for such additional period of time, not to exceed eighteen months, as may be determined by the Secretary, if the Secretary, upon application, finds that compliance with the provisions of this Act on its effective date would cause undue hardship on such person, firm, or corporation."

RELIGIOUS FREEDOM; RITUAL SLAUGHTER

Section 6 of Pub. L. 95–445 provided that: "Nothing in this Act [see Short Title of 1978 Amendment note set out under section 601 of this title] shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this Act, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this Act. For the purposes of this section the term 'ritual slaughter' means slaughter in accordance with section 2(b) of the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1902(b))."

§ 610. Prohibited acts

No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines or any carcasses, parts of carcasses, meat or meat food products of any such animals—

(a) Slaughtering animals or preparation of articles capable of use as human food

slaughter any such animals or prepare any such articles which are capable of use as human food at any establishment preparing any such articles for commerce, except in compliance with the requirements of this chapter;

(b) Humane methods of slaughter

slaughter or handle in connection with slaughter any such animals in any manner not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901–1906);

(c) Sales, transportation, and other transactions

sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (1) any such articles which (A) are capable of use as human food and (B) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (2) any articles required to be inspected under this subchapter unless they have been so inspected and passed;

(d) Adulteration or misbranding

do, with respect to any such articles which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

(As amended Oct. 10, 1978, Pub. L. 95–445, § 3, 92 Stat. 1069.)

REFERENCES IN TEXT

The Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901–1906), referred to in subsec. (b), is Pub. L. 85–765, Aug. 27, 1958, 72 Stat. 862, which is classified generally to chapter 48 (§ 1901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables.

Sections 1903 and 1905 of Title 7, included within reference to act August 27, 1958, were repealed by Pub. L. 95–445, § 5(b), Oct. 10, 1978, 92 Stat. 1069, effective as set forth in section 7 of Pub. L. 95–445, set out as an Effective Date of 1978 Amendment note under section 603 of this title.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–445 added subsec. (b). Former subsec. (b) redesignated (c).

Subsecs. (c), (d). Pub. L. 95–445 redesignated former subsecs. (b) and (c) as (c) and (d).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–445 effective one year after Oct. 10, 1978, and an additional eighteen month period thereafter in hardship cases, see section 7 of Pub. L. 95–445, set out as an Effective Date of 1978 Amendment note under section 603 of this title.

§ 620. Imports

(a) Adulteration or misbranding prohibition; compliance with inspection, building construction standards, and other provisions; humane methods of slaughter; treatment as domestic articles subject to this chapter and food, drug, and cosmetic provisions; marking and labeling; personal consumption exemption

No carcasses, parts of carcasses, meat or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines which are capable of use as human food, shall be imported into the United States if such articles are adulterated or misbranded and unless they comply with all the inspection, building, construction standards, and all other provisions of this chapter and regulations issued thereunder applicable to such articles in commerce within the United States. No such carcasses, parts of carcasses, meat or meat food products shall be imported into the United States unless the livestock from which they were produced was slaughtered and handled in connection with slaughter in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901–1906). All such imported articles shall, upon entry into the United States, be deemed and treated as domestic articles subject to the other provisions of this chapter and the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.]: *Provided*, That they shall be marked and labeled as required by such regulations for imported articles: *Provided further*, That nothing in this section shall apply to any individual who purchases meat or meat products outside the United States for his own consumption except that the total amount of such meat or meat products shall not exceed fifty pounds.

[*See main edition for text of* (b) *to* (e)]

(As amended Oct. 10, 1978, Pub. L. 95–445, § 4, 92 Stat. 1069.)

REFERENCES IN TEXT

The Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901–1906), referred to in subsec. (a), is Pub. L. 85–765, Aug. 27, 1958, 72 Stat. 862, which is classified generally to chapter 48 (§ 1901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Tables.

Sections 1903 and 1905 of Title 7, included within reference to act August 27, 1958, were repealed by Pub. L. 95–445, § 5(b), Oct. 10, 1978, 92 Stat. 1069, effective as set forth in section 7 of Pub. L. 95–445, set out as an Effective Date of 1978 Amendment note under section 603 of this title.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–445 prohibited imports which do not comply with humane methods of slaughter.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–445 effective one year after Oct. 10, 1978, and an additional eighteen month period thereafter in hardship cases, see section 7 of Pub. L. 95–445, set out as an Effective Date of 1978 Amendment note under section 603 of this title.

CHAPTER 13—DRUG ABUSE PREVENTION AND CONTROL

SUBCHAPTER I—CONTROL AND ENFORCEMENT

PART A—INTRODUCTORY PROVISIONS

Sec.
801a. Congressional findings and declarations [New].

PART C—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

830. Piperidine reporting [New].
(a) Required information; identification of recipient or purchaser; exceptions.
(b) Confidential information.
(c) Definitions.

PART D—OFFENSES AND PENALTIES

852. Application of treaties and other international agreements [New].

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 801a of this title; title 22 sections 283s, 284k, 285p, 2291.

SUBCHAPTER I—CONTROL AND ENFORCEMENT

PART A—INTRODUCTORY PROVISIONS

§ 801. Congressional findings and declaration

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95–633, § 1, Nov. 11, 1978, 92 Stat. 3768 provided: "That this Act [enacting sections 801a, 830, and 852 of this title, amending sections 352, 802, 811, 812, 823, 827, 841 to 843, 872, 881, 952, 953, and 965 of this title and section 242a of Title 42, The Public Health and Welfare, repealing section 830 of this title (effective Jan. 1, 1981), and enacting provisions set out as notes under sections 801a, 812, and 830 of this title] may be cited as the 'Psychotropic Substances Act of 1978'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 1456.

§ 801a. Congressional findings and declarations

The Congress makes the following findings and declarations:

(1) The Congress has long recognized the danger involved in the manufacture, distribution, and use of certain psychotropic substances for nonscientific and nonmedical purposes, and has provided strong and effective legislation to control illicit trafficking and to regulate legitimate uses of psychotropic substances in this country. Abuse of psychotropic substances has become a phenomenon common to many countries, however, and is not confined to national borders. It is, therefore, essential that the United States cooperate with other nations in establishing effective controls over international traffic in such substances.

(2) The United States has joined with other countries in executing an international

treaty, entitled the Convention on Psychotropic Substances and signed at Vienna, Austria, on February 21, 1971, which is designed to establish suitable controls over the manufacture, distribution, transfer, and use of certain psychotropic substances. The Convention is not self-executing, and the obligations of the United States thereunder may only be performed pursuant to appropriate legislation. It is the intent of the Congress that the amendments made by this Act, together with existing law, will enable the United States to meet all of its obligations under the Convention and that no further legislation will be necessary for that purpose.

(3) In implementing the Convention on Psychotropic Substances, the Congress intends that, consistent with the obligations of the United States under the Convention, control of psychotropic substances in the United States should be accomplished within the framework of the procedures and criteria for classification of substances provided in the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 801 et seq.]. This will insure that (A) the availability of psychotropic substances to manufacturers, distributors, dispensers, and researchers for useful and legitimate medical and scientific purposes will not be unduly restricted; (B) nothing in the Convention will interfere with bona fide research activities; and (C) nothing in the Convention will interfere with ethical medical practice in this country as determined by the Secretary of Health, Education, and Welfare on the basis of a consensus of the views of the American medical and scientific community.

(Pub. L. 95-633, title I, § 101, Nov. 10, 1978, 92 Stat. 3768.)

REFERENCES IN TEXT

This Act, referred to in par. (2), is Pub. L. 95-633, Nov. 10, 1978, 92 Stat. 2768, known as the Psychotropic Substances Act of 1978, which enacted sections 801a, 830, and 852 of this title, amended sections 352, 802, 811, 812, 823, 827, 841 to 843, 872, 881, 952, 953, and 965 of this title and section 242 of Title 42, The Public Health and Welfare, repealed section 830 of this title effective Jan. 1, 1981, and enacted provisions set out as notes under sections 801, 801a, 812, and 830 of this title. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 801 of this title and Tables.

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in par. (3), is Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1236, as amended, which is classified principally to this chapter [§ 801 et seq.]. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

CODIFICATION

Section was enacted as a part of the Psychotropic Substances Act of 1978, and not as a part of the Controlled Substances Act which comprises this subchapter.

EFFECTIVE DATE

Section 112 of Pub. L. 95-633 provided that: "This title [which enacted sections 801a, and 852 of this title, amended sections 352, 802, 811, 812, 823, 827, 872, 952, and 953 of this title and section 242a of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under sections 801 and 812 of this title] and the amendments made by this title shall take effect on the date the Convention on Psychotropic Substances, signed at Vienna, Austria on February 21, 1971, enters into force in respect to the United States." [The United States was not a party to the Convention at the date of enactment of Pub. L. 95-633.]

§ 802. Definitions

As used in this subchapter:

[See main edition for text of (1) to (28)]

(29) The term "Convention on Psychotropic Substances" means the Convention on Psychotropic Substances signed at Vienna, Austria, on February 21, 1971; and the term "Single Convention on Narcotic Drugs" means the Single Convention on Narcotic Drugs signed at New York, New York, on March 30, 1961.

(As amended Pub. L. 95-633, title I, § 102(b), Nov. 10, 1978, 92 Stat. 3772.)

AMENDMENTS

1978—Par. (29). Pub. L. 95-633 added par. (29).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-633 effective on the date the Convention on Psychotropic Substances enters into force in the United States, see section 112 of Pub. L. 95-633, set out as an Effective Date note under section 801a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 822, 951, 957, 1118 of this title; title 18 sections 1952, 4251; title 19 section 1584; title 26 section 7607; title 28 section 2901; title 29 section 1111; title 31 section 1034; title 42 sections 201, 3411; title 46 section 239a; title 49 section 787.

§ 803. Repealed. Pub. L. 95-137, § 1(b), Oct. 18, 1977, 91 Stat. 1169

Section, Pub. L. 91-513, title II, § 103, Oct. 27, 1970, 84 Stat. 1245, authorized the Bureau of Narcotics and Dangerous Drugs to add, during the fiscal year 1971, 300 agents, together with necessary supporting personnel, and provided for appropriations of $6,000,000 to carry out such addition.

PART B—AUTHORITY TO CONTROL; STANDARDS AND SCHEDULES

§ 811. Authority and criteria for classification of substances

[See main edition for text of (a) to (c)]

(d) International treaties, conventions, and protocols requiring control; procedures respecting changes in drug schedules of Convention on Psychotropic Substances

(1) If control is required by United States obligations under international treaties, conventions, or protocols in effect on October 27, 1970, the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by subsection (a) of this section or section 812(b) of this title and without regard to the procedures prescribed by subsections (a) and (b) of this section.

(2)(A) Whenever the Secretary of State receives notification from the Secretary-General

of the United Nations that information has been transmitted by or to the World Health Organization, pursuant to article 2 of the Convention on Psychotropic Substances, which may justify adding a drug or other substance to one of the schedules of the Convention, transferring a drug or substance from one schedule to another, or deleting it from the schedules, the Secretary of State shall immediately transmit the notice to the Secretary of Health, Education, and Welfare who shall publish it in the Federal Register and provide opportunity to interested persons to submit to him comments respecting the scientific and medical evaluations which he is to prepare respecting such drug or substance. The Secretary of Health, Education, and Welfare shall prepare for transmission through the Secretary of State to the World Health Organization such medical and scientific evaluations as may be appropriate regarding the possible action that could be proposed by the World Health Organization respecting the drug or substance with respect to which a notice was transmitted under this subparagraph.

(B) Whenever the Secretary of State receives information that the Commission on Narcotic Drugs of the United Nations proposes to decide whether to add a drug or other substance to one of the schedules of the Convention, transfer a drug or substance from one schedule to another, or delete it from the schedules, the Secretary of State shall transmit timely notice to the Secretary of Health, Education, and Welfare of such information who shall publish a summary of such information in the Federal Register and provide opportunity to interested persons to submit to him comments respecting the recommendation which he is to furnish, pursuant to this subparagraph, respecting such proposal. The Secretary of Health, Education, and Welfare shall evaluate the proposal and furnish a recommendation to the Secretary of State which shall be binding on the representative of the United States in discussions and negotiations relating to the proposal.

(3) When the United States receives notification of a scheduling decision pursuant to article 2 of the Convention on Psychotropic Substances that a drug or other substance has been added or transferred to a schedule specified in the notification or receives notification (referred to in this subsection as a "schedule notice") that existing legal controls applicable under this subchapter to a drug or substance and the controls required by the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.] do not meet the requirements of the schedule of the Convention in which such drug or substance has been placed, the Secretary of Health, Education, and Welfare, after consultation with the Attorney General, shall first determine whether existing legal controls under this subchapter applicable to the drug or substance and the controls required by the Federal Food, Drug, and Cosmetic Act, meet the requirements of the schedule specified in the notification or schedule notice and shall take the following action:

(A) If such requirements are met by such existing controls but the Secretary of Health, Education, and Welfare nonetheless believes that more stringent controls should be applied to the drug or substance, the Secretary shall recommend to the Attorney General that he initiate proceedings for scheduling the drug or substance, pursuant to subsections (a) and (b) of this section, to apply to such controls.

(B) If such requirements are not met by such existing controls and the Secretary of Health, Education, and Welfare concurs in the scheduling decision or schedule notice transmitted by the notification, the Secretary shall recommend to the Attorney General that he initiate proceedings for scheduling the drug or substance under the appropriate schedule pursuant to subsections (a) and (b) of this section.

(C) If such requirements are not met by such existing controls and the Secretary of Health, Education, and Welfare does not concur in the scheduling decision or schedule notice transmitted by the notification, the Secretary shall—

(i) if he deems that additional controls are necessary to protect the public health and safety, recommend to the Attorney General that he initiate proceedings for scheduling the drug or substance pursuant to subsections (a) and (b) of this section, to apply such additional controls;

(ii) request the Secretary of State to transmit a notice of qualified acceptance, within the period specified in the Convention, pursuant to paragraph 7 of article 2 of the Convention, to the Secretary-General of the United Nations;

(iii) request the Secretary of State to transmit a notice of qualified acceptance as prescribed in clause (ii) and request the Secretary of State to ask for a review by the Economic and Social Council of the United Nations, in accordance with paragraph 8 of article 2 of the Convention, of the scheduling decision; or

(iv) in the case of a schedule notice, request the Secretary of State to take appropriate action under the Convention to initiate proceedings to remove the drug or substance from the schedules under the Convention or to transfer the drug or substance to a schedule under the Convention different from the one specified in the schedule notice.

(4)(A) If the Attorney General determines, after consultation with the Secretary of Health, Education, and Welfare, that proceedings initiated under recommendations made under paragraph (B) or (C)(i) of paragraph (3) will not be completed within the time period required by paragraph 7 of article 2 of the Convention, the Attorney General, after consultation with the Secretary and after providing interested persons opportunity to submit comments respecting the requirements of the temporary order to be issued under this sentence, shall issue a temporary order controlling the drug or substance under schedule IV or V, whichever is most appropriate to carry out the minimum United States obligations under paragraph 7 of article 2 of the Convention. As a

part of such order, the Attorney General shall, after consultation with the Secretary, except such drug or substance from the application of any provision of part C of this subchapter which he finds is not required to carry out the United States obligations under paragraph 7 of article 2 of the Convention. In the case of proceedings initiated under subparagraph (B) of paragraph (3), the Attorney General, concurrently with the issuance of such order, shall request the Secretary of State to transmit a notice of qualified acceptance to the Secretary-General of the United Nations pursuant to paragraph 7 of article 2 of the Convention. A temporary order issued under this subparagraph controlling a drug or other substance subject to proceedings initiated under subsections (a) and (b) of this section shall expire upon the effective date of the application to the drug or substance of the controls resulting from such proceedings.

(B) After a notice of qualified acceptance of a scheduling decision with respect to a drug or other substance is transmitted to the Secretary-General of the United Nations in accordance with clause (ii) or (iii) of paragraph (3)(C) or after a request has been made under clause (iv) of such paragraph with respect to a drug or substance described in a schedule notice, the Attorney General, after consultation with the Secretary of Health, Education, and Welfare and after providing interested persons opportunity to submit comments respecting the requirements of the order to be issued under this sentence, shall issue an order controlling the drug or substance under schedule IV or V, whichever is most appropriate to carry out the minimum United States obligations under paragraph 7 of article 2 of the Convention in the case of a drug or substance for which a notice of qualified acceptance was transmitted or whichever the Attorney General determines is appropriate in the case of a drug or substance described in a schedule notice. As a part of such order, the Attorney General shall, after consultation with the Secretary, except such drug or substance from the application of any provision of part C of this subchapter which he finds is not required to carry out the United States obligations under paragraph 7 of article 2 of the Convention. If, as a result of a review under paragraph 8 of article 2 of the Convention of the scheduling decision with respect to which a notice of qualified acceptance was transmitted in accordance with clause (ii) or (iii) of paragraph (3)(C)—

(i) the decision is reversed, and

(ii) the drug or substance subject to such decision is not required to be controlled under schedule IV or V to carry out the minimum United States obligations under paragraph 7 of article 2 of the Convention,

the order issued under this subparagraph with respect to such drug or substance shall expire upon receipt by the United States of the review decision. If, as a result of action taken pursuant to action initiated under a request transmitted under clause (iv) of paragraph (3)(C), the drug or substance with respect to which such action was taken is not required to be controlled under schedule IV or V, the order issued under this paragraph with respect to such drug or substance shall expire upon receipt by the United States of a notice of the action taken with respect to such drug or substance under the Convention.

(C) An order issued under subparagraph (A) or (B) may be issued without regard to the findings required by subsection (a) of this section or by section 812(b) of this title and without regard to the procedures prescribed by subsection (a) or (b) of this section.

(5) Nothing in the amendments made by the Psychotropic Substances Act of 1978 or the regulations or orders promulgated thereunder shall be construed to preclude requests by the Secretary of Health, Education, and Welfare or the Attorney General through the Secretary of State, pursuant to article 2 or other applicable provisions of the Convention, for review of scheduling decisions under such Convention, based on new or additional information.

[See main edition for text of (e) to (g)]

(As amended Pub. L. 95-633, title I, § 102(a), Nov. 10, 1978, 92 Stat. 3769.)

REFERENCES IN TEXT

"This subchapter", referred to in subsec. (d)(3), (4)(A), (B), was in the original "this title" which is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, and is popularly known as the "Controlled Substances Act". For complete classification of title II to the Code, see second paragraph of Short Title note set out under section 801 of this title and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (d)(3), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§ 301 et seq.) of this title. For complete classification of this Act to the Code, see section 301 of this title and Tables.

Schedules IV and V, referred to in subsec. (d)(4)(A), (B), are set out in section 812(c) of this title.

The Psychotropic Substances Act of 1978, referred to in subsec. (d)(5), is Pub. L. 95-633, Nov. 11, 1978, 92 Stat. 3768, which enacted sections 801a, 830, and 852 of this title, amended sections 352, 802, 811, 812, 823, 827, 841 to 843, 872, 881, 952, 953, and 965 of this title and section 242a of Title 42, The Public Health and Welfare, repealed section 830 of this title effective Jan. 1, 1981, and enacted provisions set out as notes under sections 801, 801a, 812, and 830 of this title. For complete classification of the Act to the Code, see Short Title of 1978 Amendment note set out under section 801 of this title and Tables.

AMENDMENTS

1978—Subsec. (d). Pub. L. 95-633 designated existing provisions as par. (1) and added pars. (2) to (5).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-633 effective on the date the Convention on Psychotropic Substances enters into force in the United States, see section 112 of Pub. L. 95-633, set out as an Effective Date note under section 801a of this title.

§ 812. Schedules of controlled substances

[See main edition for text of (a) to (c)]

(d) Stimulants or depressants containing active medicinal ingredients; exception

The Attorney General may by regulation except any compound, mixture, or preparation containing any depressant or stimulant sub-

stance in paragraph (a) or (b) of schedule III or in schedule IV or V from the application of all or any part of this subchapter if (1) the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, (2) such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a depressant or stimulant effect on the central nervous system, and (3) such exception does not conflict with United States obligations under the Convention on Psychotropic Substances.

(As amended Pub. L. 95–633, title I, § 103, Nov. 10, 1978, 92 Stat. 3772.)

AMENDMENTS

1978—Subsec. (d). Pub. L. 95–633 added cl. (3).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–633 effective on the date the Convention on Psychotropic Substances enters into force in the United States, see section 112 of Pub. L. 95–633, set out as an Effective Date note under section 801a of this title.

PLACEMENT OF PIPRADROL AND SPA IN SCHEDULE IV TO CARRY OUT OBLIGATION UNDER CONVENTION ON PSYCHOTROPIC SUBSTANCES

Section 102(c) of Pub. L. 95–633 provided that: "For the purpose of carrying out the minimum United States obligations under paragraph 7 of article 2 of the Convention on Psychotropic Substances, signed at Vienna, Austria, on February 21, 1971, with respect to pipradrol and SPA (also known as (-)-1-dimethylamino-1,2-diphenylethane), the Attorney General shall by order, made without regard to sections 201 and 202 of the Controlled Substances Act [this section and section 811 of this title], place such drugs in schedule IV of such Act [see subsec. (c) of this section]."

Provision of section 102(c) of Pub. L. 95–633, set out above, effective on the date the Convention on Psychotropic Substances enters into force in the United States, see section 112 of Pub. L. 95–633, set out as an Effective Date note under section 801a of this title.

PART C—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 811 of this title.

§ 823. Registration requirements

[*See main edition for text of* (a) *to* (e)]

(f) Research; pharmacies; research applications; construction of Article 7 of the Convention on Psychotropic Substances

Practitioners shall be registered to dispense or conduct research with controlled substances in schedule II, III, IV, or V if they are authorized to dispense or conduct research under the law of the State in which they practice. Separate registration under this part for practitioners engaging in research with nonnarcotic controlled substances in schedule II, III, IV, or V, who are already registered under this part in another capacity, shall not be required. Pharmacies (as distinguished from pharmacists) when engaged in commercial activities, shall be registered to dispense controlled substances in schedule II, III, IV, or V if they are authorized to dispense under the law of the State in which they regularly conduct business. Registration applications by practitioners wishing to conduct research with controlled substances in schedule I shall be referred to the Secretary, who shall determine qualifications and competency of each practitioner requesting registration, as well as the merits of the research protocol. The Secretary, in determining the merits of each research protocol, shall consult with the Attorney General as to effective procedures to adequately safeguard against diversion of such controlled substances from legitimate medical or scientific use. Registration for the purpose of bona fide research with controlled substances in schedule I by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in section 824(a) of this title. Article 7 of the Convention on Psychotropic Substances shall not be construed to prohibit, or impose additional restrictions upon, research involving drugs or other substances scheduled under the Convention which is conducted in conformity with this subsection and other applicable provisions of this subchapter.

[*See main edition for text of* (g)]

(As amended Pub. L. 95–633, title I, § 109, Nov. 10, 1978, 92 Stat. 3773.)

REFERENCES IN TEXT

"This subchapter", referred to in subsec. (f), was in the original "this title" which is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, and is popularly known as the "Controlled Substances Act". For complete classification of title II to the Code, see second paragraph of Short Title note set out under section 801 of this title and Tables.

AMENDMENTS

1978—Subsec. (f). Pub. L. 95–633 added provision relating to the construction of the Convention on Psychotropic Substances.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–633 effective on the date the Convention on Psychotropic Substances enters into force in the United States, see section 112 of Pub. L. 95–633, set out as an Effective Date note under section 801a of this title.

§ 827. Records and reports of registrants

[*See main edition for text of* (a) *and* (b)]

(c) Nonapplicability

The foregoing provisions of this section shall not apply—

[*See main edition for text of* (1) *to* (3)]

Nothing in the Convention on Psychotropic Substances shall be construed as superseding or otherwise affecting the provisions of paragraph (1)(B), (2), or (3) of this subsection.

[*See main edition for text of* (d)]

(e) Reports and records required by drug conventions

In addition to the reporting and recordkeeping requirements under any other provision of

this subchapter, each manufacturer registered under section 823 of this title shall, with respect to narcotic and nonnarcotic controlled substances manufactured by it, make such reports to the Attorney General, and maintain such records, as the Attorney General may require to enable the United States to meet its obligations under articles 19 and 20 of the Single Convention on Narcotic Drugs and article 16 of the Convention on Psychotropic Substances. The Attorney General shall administer the requirements of this subsection in such a manner as to avoid the unnecessary imposition of duplicative requirements under this subchapter on manufacturers subject to the requirements of this subsection.

(f) Investigational uses of drugs; procedures

Regulations under sections 355(i) and 360(j) of this title, relating to investigational use of drugs, shall include such procedures as the Secretary, after consultation with the Attorney General, determines are necessary to insure the security and accountability of controlled substances used in research to which such regulations apply.

(As amended Pub. L. 95-633, title I, §§ 104, 110, Nov. 10, 1978, 92 Stat. 3772, 3773.)

REFERENCES IN TEXT

"This subchapter", referred to in subsec. (e), was in the original "this title" which is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, and is popularly known as the "Controlled Substances Act". For complete classification of title II to the Code, see second paragraph of Short Title note set out under section 801 of this title and Tables.

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-633, § 110, added provision following par. (3) relating to the construction of the Convention on Psychotropic Substances.

Subsec. (e). Pub. L. 95-633 added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 95-633 redesignated former subsec. (e) as (f).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-633 effective on the date the Convention on Psychotropic Substances enters into force in the United States, see section 112 of Pub. L. 95-633, set out as an Effective Date note under section 801a of this title.

§ 830. Piperidine reporting

(a) Required information; identification of recipient or purchaser; exceptions

(1) Except as provided under paragraph (3), any person who distributes, sells, or imports any piperidine shall report to the Attorney General such information, in such form and manner, and within such time period or periods (of not less than seven days), concerning the distribution, sale, or importation as the Attorney General may require by regulation, and the person shall preserve a copy of each such report for 2 years. The Attorney General may include in the information required to be reported the following:

(A) The quantity, form, and manner in which, and date on which, the piperidine was distributed, sold, or imported.

(B)(i) In the case of the distribution or sale of piperidine to an individual, the name, address, and age of the individual and the type of identification presented to confirm the identity of the individual.

(ii) In the case of the distribution or sale of piperidine to an entity other than an individual, the name and address of the entity and the name, address, and title of the individual ordering or receiving the piperidine and the type of identification presented to confirm the identity of the individual and of the entity.

(2) Except as provided under paragraph (3), no person may distribute or sell piperidine unless the recipient or purchaser presents to the distributor or seller identification of such type, to confirm the identity of the recipient or purchaser (and any entity which the recipient or purchaser represents), as the Attorney General establishes by regulation.

(3) Under such conditions and to such extent as the Attorney General establishes, paragraphs (1) and (2) shall not apply to—

(A) the distribution of piperidine between agents or employees within a single facility (as defined by the Attorney General), if such agents or employees are acting in the lawful and usual course of their business or employment;

(B) the delivery of piperidine to or by a common or contract carrier for carriage in the lawful and usual course of its business, or to or by a warehouseman for storage in the lawful and usual course of its business; but where such carriage or storage is in connection with the distribution, sale, or importation of the piperidine to a third person, this subparagraph shall not relieve the distributor, seller, or importer from compliance with paragraph (1) or (2); or

(C) any distribution, sale, or importation of piperidine with respect to which the Attorney General determines that the report required by paragraph (1) or the presentation of identification required by paragraph (2) is not necessary for the enforcement of this subchapter.

(b) Confidential information

Any information which is reported to or otherwise obtained by the Department of Justice under this section and which is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, by reason of subsection (b)(4) thereof shall be considered confidential and shall not be disclosed, except that such information may be disclosed to officers or employees of the United States concerned with carrying out this subchapter or subchapter II of this chapter or when relevant in any proceeding for the enforcement of this subchapter or subchapter II of this chapter.

(c) Definitions

For purposes of this section, section 841(d) of this title, and section 842(a)(9) of this title:

(1) The term "import" has the meaning given such term in section 951(a)(1) of this title.

(2) The term "phencyclidine" means 1-(1-phenylcyclohexyl) piperidine, its salts, or any immediate precursor, homolog, analog, or derivative (or salt thereof) of 1-(1-phenylcyclo-

hexyl) piperidine that is included in schedule I or II of part B of this subchapter.

(3) The term "piperidine" includes its salts and acyl derivatives.

(Pub. L. 91-513, title II, § 310, as added Pub. L. 95-633, title II, § 202(a), Nov. 10, 1978, 92 Stat. 3774.)

REPEAL OF SECTION

Pub. L. 95-633, title II, § 203(d), Nov. 10, 1978, 92 Stat. 3777, provided that, effective Jan. 1, 1981, this section is repealed.

REFERENCES IN TEXT

"This subchapter", referred to in subsecs. (a)(3)(C), (b), (c)(2), was in the original "this title" which is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, and is popularly known as the "Controlled Substances Act". For complete classification of title II to the Code, see second paragraph of Short Title note set out under section 801 of this title and Tables.

"Subchapter II of this chapter" referred to in subsec. (b), was in the original "title III", meaning title III of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1285. Part A of title III comprises subchapter II of this chapter. For classification of Part B, consisting of sections 1101 to 1105 of title III, see Tables.

Schedule I and II, referred to in subsec. (c)(2), are set out in section 812(c) of this title.

EFFECTIVE DATE; TIME TO SUBMIT PIPERIDINE REPORT; REQUIRED INFORMATION

Section 203(a) of Pub. L. 95-633 provided that:

"(1) Except as provided under paragraph (2), the amendments made by this title [enacting this section and amending sections 841 to 843 of this title] shall take effect on the date of the enactment of this Act [Nov. 10, 1978].

"(2) Any person required to submit a report under section 310(a)(1) of the Controlled Substances Act [subsec. (a)(1) of this section] respecting a distribution, sale, or importation of piperidine during the 90 days after the date of the enactment of this Act [Nov. 10, 1978] may submit such report any time up to 97 days after such date of enactment.

"(3) Until otherwise provided by the Attorney General by regulation, the information required to be reported by a person under section 310(a)(1) of the Controlled Substances Act (as added by section 202(a)(2) of this title) [subsec. (a)(1) of this section] with respect to the person's distribution, sale, or importation of piperidine shall—

"(A) be the information described in subparagraphs (A) and (B) of such section, and

"(B) except as provided in paragraph (2) of this subsection, be reported not later than seven days after the date of such distribution, sale, or importation."

REGULATIONS FOR PIPERIDINE REPORTING

Section 203(b) of Pub. L. 95-633 provided that: "The Attorney General shall—

"(1) first publish proposed interim regulations to carry out the requirements of section 310(a) of the Controlled Substances Act (as added by section 202(a)(2) of this title) [subsec. (a) of this section] not later than 30 days after the date of the enactment of this Act [Nov. 10, 1978], and

"(2) first promulgate final interim regulations to carry out such requirements not later than 75 days after the date of the enactment of this Act [Nov. 10, 1978], such final interim regulations to be effective with respect to distributions, sales, and importations of piperidine on and after the ninety-first day after the date of the enactment of this Act."

REPORT TO PRESIDENT AND CONGRESS ON EFFECTIVENESS OF TITLE II OF PUB. L. 95-633

Section 203(c) of Pub. L. 95-633 provided that: "The Attorney General, after consultation with the Secretary of Health, Education, and Welfare, shall analyze and evaluate the impact and effectiveness of the amendments made by this title, [enacting this section and amending sections 841 to 843 of this title] including the impact on the illicit manufacture and use of phencyclidine and the impact of the requirements imposed by such amendments on legitimate distributions and uses of piperidine. Not later than March 1, 1980, the Attorney General shall report to the President and the Congress on such analysis and evaluation and shall include in such report such recommendations as the Attorney General deems appropriate."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 841, 842, 843 of this title.

PART D—OFFENSES AND PENALTIES

§ 841. Prohibited acts A

[See main edition for text of (a)]

(b) Penalties

Except as otherwise provided in section 845 of this title, any person who violates subsection (a) of this section shall be sentenced as follows:

(1) *[See main edition for text of (A)]*

(B) In the case of a controlled substance in schedule I or II which is not a narcotic drug or in the case of any controlled substance in schedule III, such person shall, except as provided in paragraphs (4) and (5) of this subsection, be sentenced to a term of imprisonment not more than 5 years, a fine of not more than $15,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this subchapter or subchapter II of this chapter or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, a fine of not more than $30,000, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 4 years in addition to such term of imprisonment.

[See main edition for text of (2) to (4)]

(5) Notwithstanding paragraph (1)(B) of this subsection, any person who violates subsection (a) of this section by manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, except as authorized by this subchapter, phencyclidine (as defined in section 830(c)(2) of this title) shall be sentenced to a term of imprisonment of not more than 10 years, a fine of not more than $25,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under paragraph (1) of this paragraph, or for a felony under any

other provision of this subchapter or subchapter II of this chapter or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than $50,000, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 4 years in addition to such term of imprisonment.

[*See main edition for text of* (c)]

(d) Piperidine offenses and penalty

Any person who knowingly or intentionally—

(1) possesses any piperidine with intent to manufacture phencyclidine except as authorized by this subchapter, or

(2) possesses any piperidine knowing, or having reasonable cause to believe, that the piperidine will be used to manufacture phencyclidine except as authorized by this subchapter,

shall be sentenced to a term of imprisonment of not more than 5 years, a fine of not more than $15,000, or both.

(As amended Pub. L. 95-633, title II, § 201, Nov. 10, 1978, 92 Stat. 3774.)

REPEAL OF SUBSEC. (d)

Pub. L. 95-633, title II, § 203(d), Nov. 10, 1978, 92 Stat. 3777, provided that, effective Jan. 1, 1981, subsec. (d) is repealed.

REFERENCES IN TEXT

"This subchapter", referred to in subsecs. (b)(5) and (d), was in the original "this title" which is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, and is popularly known as the "Controlled Substances Act". For complete classification of title II to the Code, see second paragraph of Short Title note set out under section 801 of this title and Tables.

"Subchapter II of this chapter" referred to in subsec. (b)(5) was in the original "title III", meaning title III of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1285. Part A of title III comprises subchapter II of this chapter. For classification of Part B, consisting of sections 1101 to 1105 of title III, see Tables.

AMENDMENTS

1978—Subsec. (b)(1)(B). Pub. L. 95-633, § 201(1), inserted ", except as provided in paragraphs (4) and (5) of this subsection," following "such person shall".

Subsec. (b)(5). Pub. L. 95-633, § 201(2), added subsec. (b)(5).

Subsec. (d). Pub. L. 95-633, § 201(3), added subsec. (d).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-633 effective Nov. 10, 1978, see section 203(a) of Pub. L. 95-633 set out as an Effective Date note under section 830 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 830, 845 of this title.

§ 842. Prohibited acts B

(a) Unlawful acts

It shall be unlawful for any person—

[*See main edition for text of* (1) *to* (6)]

(7) to remove, break, injure, or deface a seal placed upon controlled substances pursuant to section 824(f) or 881 of this title or to remove or dispose of substances so placed under seal;

(8) to use, to his own advantage, or to reveal, other than to duly authorized officers or employees of the United States, or to the courts when relevant in any judicial proceeding under this subchapter or subchapter II of this chapter, any information acquired in the course of an inspection authorized by this subchapter concerning any method or process which as a trade secret is entitled to protection; or

(9) to distribute or sell piperidine in violation of regulations established under section 830(a)(2) of this title, respecting presentation of identification.

[*See main edition for text of* (b)]

(c) Penalties

[*See main edition for text of* (1)]

(2) [*See main edition for text of* (A) *and* (B)]

(C) Subparagraphs (A) and (B) shall not apply to a violation of subsection (a)(5) of this section with respect to a refusal or failure to make a report required under section 830(a) of this title (relating to piperidine reporting).

[*See main edition for text of* (3)]

(As amended Pub. L. 95-633, title II, § 202(b)(1), (2), Nov. 10, 1978, 92 Stat. 3776.)

REPEAL OF SUBSECS. (a)(9) AND (c)(2)(C)

Pub. L. 95-633, title II, § 203(d), Nov. 10, 1978, 92 Stat. 3777, provided that, effective Jan. 1, 1981, subsecs. (a)(9) and (c)(2)(C) are repealed.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-633, § 202(b)(1), added par. (9).

Subsec. (c)(2)(C). Pub. L. 95-633, § 202(b)(2), added subsec. (c)(2)(C).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-633 effective Nov. 10, 1978, see section 203(a) of Pub. L. 95-633 set out as an Effective Date note under section 830 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 830, 961 of this title.

§ 843. Prohibited acts C

(a) Unlawful acts

It shall be unlawful for any person knowingly or intentionally—

[*See main edition for text of* (1) *to* (3)]

(4)(A) to furnish false or fraudulent material information in, or omit any material information from, any application, report, record, or other document required to be made, kept, or filed under this subchapter or subchapter II of this chapter, or (B) to present false or fraudulent identification where the person is

receiving or purchasing piperidine and the person is required to present identification under section 830(a) of this title; or

[See main edition for text of (5); (b) and (c)]

(As amended Pub. L. 95-633, title II, § 202(b)(3), Nov. 10, 1978, 92 Stat. 3776.)

REPEAL OF SUBSEC. (a)(4)(B)

Pub. L. 95-633, title II, § 203(d), Nov. 10, 1978, 92 Stat. 3777, provided that, effective Jan. 1, 1981, subsec. (a)(4)(B) is repealed.

AMENDMENTS

1978—Subsec. (a)(4). Pub. L. 95-633, § 202(b)(3), designated existing provisions as subpar. (A) and added subpar. (B).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-633 effective Nov. 10, 1978, except as otherwise provided, see section 203(a) of Pub. L. 95-633 set out as an Effective Date note under section 830 of this title.

§ 852. Application of treaties and other international agreements

Nothing in the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, or other treaties or international agreements shall be construed to limit the provision of treatment, education, or rehabilitation as alternatives to conviction or criminal penalty for offenses involving any drug or other substance subject to control under any such treaty or agreement.

(Pub. L. 91-513, title II, § 412, as added Pub. L. 95-633, title I, § 107(a), Nov. 10, 1978, 92 Stat. 3773.)

EFFECTIVE DATE

Section effective on the date the Convention on Psychotropic Substances enters into force in the United States, see section 112 of Pub. L. 95-633, set out as an Effective Date note under section 801a of this title.

PART E—ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

§ 872. Education and research programs of the Attorney General

[See main edition for text of (a) to (c)]

(d) Affect of treaties and other international agreements on confidentiality

Nothing in the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, or other treaties or international agreements shall be construed to limit, modify, or prevent the protection of the confidentiality of patient records or of the names and other identifying characteristics of research subjects as provided by any Federal, State, or local law or regulation.

(e) Use of controlled substances in research

The Attorney General, on his own motion or at the request of the Secretary, may authorize the possession, distribution, and dispensing of controlled substances by persons engaged in research. Persons who obtain this authorization shall be exempt from State or Federal prosecution for possession, distribution, and dispensing of controlled substances to the extent authorized by the Attorney General.

(As amended Pub. L. 95-633, title I, § 108(a), Nov. 10, 1978, 92 Stat. 3773.)

AMENDMENTS

1978—Subsec. (d). Pub. L. 95-633 added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 95-633 redesignated former subsec. (d) as (e).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-633 effective on the date the Convention on Psychotropic Substances enters into force in the United States, see section 112 of Pub. L. 95-633, set out as an Effective Date note under section 801a of this title.

§ 881. Forfeitures

(a) Property subject

The following shall be subject to forfeiture to the United States and no property right shall exist in them:

[See main edition for text of (1) to (5)]

(6) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

[See main edition for text of (b) to (d)]

(e) Disposition of forfeited property

Whenever property is forfeited under this subchapter the Attorney General may—

(1) retain the property for official use;

(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public;

[See main edition for text of (3) and (4)]

The proceeds from any sale under paragraph (2) and any moneys forfeited under this subchapter shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs. The Attorney General shall forward to the Treasurer of the United States for deposit in the general fund of the United States Treasury any amounts of such moneys and proceeds remaining after payment of such expenses.

[See main edition for text of (f) and (g)]

(As amended Pub. L. 95-633, title III, § 301(a), Nov. 10, 1978, 92 Stat. 3777.)

REFERENCES IN TEXT

"This subchapter", referred to in subsec. (a)(6) and (e), was in the original "this title" which is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, and is pop-

ularly known as the "Controlled Substances Act". For complete classification of title II to the Code, see second paragraph of Short Title note set out under section 801 of this title and Tables.

AMENDMENTS

1978—Subsec. (a)(6). Pub. L. 95-633, § 301(1), added subsec. (a)(6).

Subsec. (e). Pub. L. 95-633, § 301(a) (2), (3), struck out of cl. (2) provisions relating to use of proceeds of sale and added last sentence relating to the forwarding by the Attorney General of money and proceeds remaining after payment of expenses.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 824, 842, 965 of this title.

PART F—GENERAL PROVISIONS

§ 904. Authorization of appropriations

(a) There are authorized to be appropriated $105,000,000 for the fiscal year ending June 30, 1975, $175,000,000 for the fiscal year ending June 30, 1976, $200,000,000 for the fiscal year ending September 30, 1977, $188,000,000 for the fiscal year ending September 30, 1978, and $215,000,000 for the fiscal year ending September 30, 1979, for the expenses of the Department of Justice in carrying out its functions under this subchapter.

[*See main edition for text of* (b)]

(As amended Pub. L. 95-137, § 1(a), Oct. 18, 1977, 91 Stat. 1169.)

AMENDMENTS

1977—Subsec. (a). Pub. L. 95-137 substituted "September 30, 1977, $188,000,000 for the fiscal year ending September 30, 1978, and $215,000,000 for the fiscal year ending September 30, 1979," for "June 30, 1977," and struck out "(other than its expenses incurred in connection with carrying out section 803(a) of this title)".

SUBCHAPTER II—IMPORT AND EXPORT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 381, 824, 828, 830, 841, 842, 843, 844, 848, 849, 850, 881 of this title; title 42 section 242.

§ 951. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 830 of this title.

§ 952. Importation of controlled substances

[*See main edition for text of* (a)]

(b) Nonnarcotic controlled substances in schedules III, IV, or V

It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any nonnarcotic controlled substance in schedule III, IV, or V, unless such nonnarcotic controlled substance—

(1) is imported for medical, scientific, or other legitimate uses, and

(2) is imported pursuant to such notification or declaration requirements as the Attorney General may by regulation prescribe, except that if a nonnarcotic controlled substance in schedule III, IV, or V is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.

[*See main edition for text of* (c)]

(As amended Pub. L. 95-633, title I, § 105, Nov. 10, 1978, 92 Stat. 3772.)

REFERENCES IN TEXT

Schedule III, IV, or V, referred to in subsec. (b)(2), are set out in section 812(c) of this title.

AMENDMENTS

1978—Subsec. (b)(2). Pub. L. 95-633 added provision relating to the exception for nonnarcotic controlled substances listed in schedule I or II of the Convention on Psychotropic Substances.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-633 effective on the date the Convention on Psychotropic Substances enters into force in the United States, see section 112 of Pub. L. 95-633, set out as an Effective Date note under section 801a of this title.

§ 953. Exportation of controlled substances

[*See main edition for text of* (a) *to* (d)]

(e) Nonnarcotic controlled substances in schedule III or IV; controlled substances in schedule V

It shall be unlawful to export from the United States to any other country any nonnarcotic controlled substance in schedule III or IV or any controlled substance in schedule V unless—

[*See main edition for text of* (1)]

(2) a special controlled substance invoice, in triplicate, accompanies the shipment setting forth such information as the Attorney General may prescribe to identify the parties to the shipment and the means of shipping;

(3) two additional copies of the invoice are forwarded to the Attorney General before the controlled substance is exported from the United States; and

(4) in any case when a nonnarcotic controlled substance in schedule III, IV, or V is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention, instead of the invoice required by paragraphs (2) and (3) of this subsection.

(As amended Pub. L. 95-633, title I, § 106, Nov. 10, 1978, 92 Stat. 3772.)

REFERENCES IN TEXT

Schedule III, IV or V, referred to in subsec. (e)(4), are set out in section 812(c) of this title.

AMENDMENTS

1978—Subsec. (e). Pub. L. 95-633 added par. (4).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-633 effective on the date the Convention on Psychotropic Substances enters

into force in the United States, see section 112 of Pub. L. 95-633, set out as an Effective Date note under section 801a of this title.

§ 965. Applicability of Part E of Subchapter I

Part E of subchapter I of this chapter shall apply with respect to functions of the Attorney General (and of officers and employees of the Bureau of Narcotics and Dangerous Drugs) under this subchapter, to administrative and judicial proceedings under this subchapter, and to violations of this subchapter, to the same extent that such part applies to functions of the Attorney General (and such officers and employees) under subchapter I of this chapter, to such proceedings under subchapter I of this chapter, and to violations of subchapter I of this chapter. For purposes of the application of this section to section 880 or 881 of this title, any reference in such section 880 or 881 of this title to "this subchapter" shall be deemed to be a reference to this subchapter, any reference to section 823 of this title shall be deemed to be a reference to section 958 of this title, and any reference to section 822(d) of this title shall be deemed to be a reference to section 957(b)(2) of this title.

(As amended Pub. L. 95-633, title III, § 301(b), Nov. 10, 1978, 92 Stat. 3778.)

AMENDMENTS

1978—Pub. L. 95-633 inserted "or 881" following "880" wherever appearing.

CHAPTER 14—ALCOHOL AND DRUG ABUSE EDUCATIONAL PROGRAMS AND ACTIVITIES

§ 1001. Congressional statement of purpose

[*See main edition for text of* (a)]

(b) It is the purpose of this chapter to encourage the prevention of alcohol and drug abuse; to stimulate the development of new and improved approaches to the prevention of alcohol and drug abuse; to demonstrate the use of such approaches in model educational programs and to evaluate the effectiveness thereof; to disseminate successful approaches and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on alcohol and drug abuse problems.

[*See main edition for text of* (c)]

(As amended Pub. L. 95-336, § 2, Aug. 4, 1978, 92 Stat. 451.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-336 added "the prevention of alcohol and drug abuse; to stimulate" following "encourage", and substituted "approaches to" for "curricula on", "prevention of alcohol and" for "problems of", "approaches in" for "curricula in", "successful approaches and" for "curricular materials and", and "others, on alcohol and drug abuse problems" for "others, on drug abuse problems".

SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95-336 provided: "That this Act [amending sections 1001, 1002, and 1007 of this title, section 1070e-1 of Title 20, Education, and section 246 of Title 38, Veterans' Benefits, and enacting provisions set out as a note under section 1070e-1 of Title 20] may be cited as the 'Alcohol and Drug Abuse Education Amendments of 1978'."

§ 1002. Alcohol and drug abuse education projects and programs

(a) Authorization to make grants and contracts; geographical requirements

The Commissioner of Education shall carry out, throughout the Nation in rural areas as well as urban areas, a program of making grants to, and contracts with institutions of higher education, State and local educational agencies, and public and private education or community agencies, institutions, and organizations to support and evaluate demonstration programs, including programs of proven effectiveness, to encourage the establishment of such programs to develop local capability to meet problems of alcohol and drug abuse, to train educational and community personnel, and to provide technical assistance in program development. In carrying out such program, the Commissioner of Education shall give priority to school based programs and projects. The Commissioner shall seek equitable distribution of available resources among the various regions of the country and seek to ensure that the special needs of rural areas are appropriately addressed.

(b) Availability of appropriations; bilingual and other permissible activities

Funds appropriated for grants and contracts under this chapter shall be available for activities, including bilingual activities, such as—

[*See main edition for text of* (1) *to* (4)]

(5) community education programs on drug and alcohol abuse prevention, especially for parents and others in the community;

[*See main edition for text of* (6) *and* (7); (c)]

(d) Grants to State educational agencies, etc., for projects to demonstrate methods and techniques and development of programs in alcohol and drug abuse prevention; maximum amount; limitations

In addition to the purposes described in subsections (b) and (c) of this section, from funds in an amount not to exceed 10 per centum of the sums appropriated to carry out this chapter, the Commissioner is authorized to make grants to State educational agencies, local educational agencies, institutions of postsecondary education, and other nonprofit agencies and organizations to support projects, including projects of proven effectiveness, to demonstrate the most effective methods and techniques in alcohol and drug abuse prevention, and to develop exemplary alcohol and drug abuse prevention programs. To maximum extent practicable, funds expended under this subsection shall be used for grants and programs reflecting various services to individuals proportionate to relative numbers of individuals served within and outside of standard metropolitan statistical areas.

(e) Office of Alcohol and Drug Abuse Education; establishment, composition, functions, etc.

(1) In order to carry out the provisions of this chapter, there is established in the Office of

Education an Office of Alcohol and Drug Abuse Education (hereafter in this section referred to as the "Office"). The Office shall be headed by a Director.

(2) The Director shall report directly to the Commissioner.

(3) The Office of Education shall provide the Office of Alcohol and Drug Abuse Education with sufficient staff and resources to carry out its responsibilities under this chapter.

(4) In carrying out the provisions of this chapter, the Director of such Office shall consult with the Directors of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse, and shall coordinate the activities of such Office with the activities of such Institutes to the extent feasible.

(f) Coordination and cooperation with other Federal agencies in implementing, etc., programs and strategies

The Secretary shall assure cooperation and coordination between the Office of Education (acting through the Office of Alcohol and Drug Abuse Education) and the Alcohol, Drug Abuse, and Mental Health Administration (acting through the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse) to identify and implement successful prevention programs and strategies, to identify research and development priorities, and to disseminate the results of such activities. The Secretary shall further assure that all such prevention programs and strategies which are school-based (assisted or conducted by the Department of Health, Education, and Welfare) shall, to the extent feasible, be coordinated through the Office of Education (acting through the Office of Alcohol and Drug Abuse Education).

(g) Applications for assistance; requirements; approval and amendment of applications

(1) Financial assistance under this section may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary, and only if such application—

(A) provides that activities and services for which assistance under this chapter is sought will be administered by or under the supervision of the applicant;

(B) provides for carrying out one or more projects or programs eligible for assistance under subsections (b) and (c) of this section and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

(C) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in subsections (b) and (c) of this section, and in no case supplant such funds;

(D) provides for making such reports, in such form and containing such information, as the Commissioner may reasonably require, and for keeping such records and affording such access thereto as the Commissioner may find necessary to assure to correctness and verification of such reports; and

(E) provides assurance that the applicant will coordinate its efforts with the appropriate State and local alcohol and drug abuse agencies, and educational agencies and organizations; and

(F) provides a proposed performance standard to measure, or research procedure to determine, the effectiveness of the program or project for which assistance is sought.

(2) An application from a local education agency for financial assistance under this section may be approved by the Commissioner only after the applicant has submitted the application to the State educational agency. The State educational agency shall, not more than thirty days after the date of receipt of the application, submit to the Secretary in writing its comments on the application. A copy of such comments shall be submitted at the same time to the applicant.

(3) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to the requirements set forth in subsections (d)(1) and (d)(2) of this section.

(h) Evaluation of programs; reports to Congress

(1) The Commissioner shall use funds in an amount of 3 per centum of the funds appropriated to carry out this section for a fiscal year for independent analysis and evaluation of the effectiveness of the drug and alcohol abuse education programs assisted under this section.

(2) The Commissioner shall, not later than March 31 of each calendar year, submit an evaluation report to the House and Senate Committees on Appropriations, the House Committee on Education and Labor, and the Senate Committee on Human Resources. Such report shall—

(A) contain the agency's statement of specific and detailed objectives for the program or programs assisted under the provisions of this chapter, and relate these objectives to those in the chapter,

(B) include statements of the agency's conclusions as to effectiveness of the program or programs in meeting the stated objectives, measured through the end of the preceding fiscal year,

(C) make recommendations with respect to any changes or additional legislative action deemed necessary or desirable in carrying out the program or programs,

(D) contain a listing identifying the principal analyses and studies supporting the major conclusions and recommendations, and

(E) contain the agency's annual evaluation plan for the program or programs through the ensuing fiscal year for which the budget was transmitted to Congress by the President, in accordance with section 11(a) of title 31.

(i) Authorization of appropriations; allotment for projects; availability of funds for obligations

(1) There are authorized to be appropriated to carry out the purposes of this section

$26,000,000 for the fiscal year ending June 30, 1975, $30,000,000 for the fiscal year ending June 30, 1976, $34,000,000 for the fiscal year ending June 30, 1977, $10,000,000 for the fiscal year 1979; $14,000,000 for the fiscal year 1980; and $18,000,000 for the fiscal year 1981. Not less than 60 per centum of the amount appropriated for a fiscal year under this section shall be used for drug and alcohol abuse education programs and projects in elementary and secondary schools.

(2) To the maximum extent practicable, of the amount appropriated in any fiscal year under this subsection, sums shall be allotted for alcohol and drug abuse education projects reflecting various services to individuals proportionate to relative numbers of individuals served within and outside of standard metropolitan statistical areas.

(3) Funds appropriated under this subsection shall remain available for obligation through fiscal year 1981 in order to permit multiple year funding of projects under this chapter.

(As amended Pub. L. 95-336, §§ 3, 4, Aug. 4, 1978, 92 Stat. 451, 452.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-336, § 3(a)(1), added provisions requiring the Commissioner to make equitable distribution of available resources and provisions relating to urban and rural implementation, and substituted provisions respecting development programs, for provisions respecting development projects.

Subsec. (b)(5). Pub. L. 95-336, § 3(a)(2), added "prevention" following "abuse".

Subsec. (d). Pub. L. 95-336, § 4(a), added subsec. (d). Former subsec. (d) was redesignated (g).

Subsec. (e). Pub. L. 95-336, § 4(a), added subsec. (e). Former subsec. (e) was redesignated (h).

Subsec. (f). Pub. L. 95-336, § 4(a), added subsec. (f). Former subsec. (f) was redesignated (i).

Subsec. (g). Pub. L. 95-336, §§ 3(b), 4(a), redesignated former subsec. (d) as (g) and, as so redesignated, added par. (1)(E) and (F).

Subsec. (h). Pub. L. 95-336, §§ 3(c), 4(a), (b), redesignated former subsec. (e) as (h) and, as so redesignated, in par. (1) substituted "shall" for "may" and "of 3 per centum" for "not exceeding 1 per centum", and in par. (2) substituted "Human Resources" for "Labor and Public Welfare".

Subsec. (i). Pub. L. 95-336, § 4(a), (c), redesignated former subsec. (f) as (i) and, as so redesignated, designated existing provision as par. (1), and in par. (1) as so designated, added authorization of appropriations for fiscal years 1979 through 1981, and added pars. (2) and (3).

§ 1007. Definitions

As used in this chapter—

[See main edition for text of (a) and (b)]

(c) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(As amended Pub. L. 95-336, § 5, Aug. 4, 1978, 92 Stat. 453.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-336 added reference to the Northern Mariana Islands.

CHAPTER 16—DRUG ABUSE PREVENTION AND TREATMENT

SUBCHAPTER V—NATIONAL INSTITUTE ON DRUG ABUSE

Sec.
1194. Review of programs and activities [New].

SUBCHAPTER I—GENERAL PROVISIONS

§ 1101. Congressional findings

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-461, § 1, Oct. 14, 1978, 92 Stat. 1268, provided that: "This Act [enacting section 1194 of this title, amending sections 1172, 1176, 1177, 1192, and 1193 of this title, enacting a provision set out as a note under section 1172 of this title and amending a provision set out as a note under section 242 of Title 42, The Public Health and Welfare] may be cited as the 'Drug Abuse Prevention and Treatment Amendments of 1978' ".

§ 1103. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1112 of this title.

SUBCHAPTER II—OFFICE OF DRUG ABUSE POLICY

PART I—GENERAL PROVISIONS

§ 1112. Director; appointment

The Office shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall not hold office in any department or agency of the United States engaged in any drug traffic prevention function (as defined in section 1103 of this title), whether on an acting basis or otherwise, except on such occasions as may be appropriate in connection with the performance of such duties as may be assigned to him pursuant to section 1132 of this title.

(As amended Pub. L. 95-83, title III, § 311(d), Aug. 1, 1977, 91 Stat. 398.)

AMENDMENTS

1977—Pub. L. 95-83 substituted "any department or agency of the United States engaged in any drug traffic prevention function (as defined in section 1103 of this title)" for "any other department or agency of the United States".

SUBCHAPTER IV—OTHER FEDERAL PROGRAMS

§ 1172. Special reports by the Secretary of Health, Education, and Welfare

[See main edition for text of (a)]

(b) The Secretary shall transmit a report to the President and the Congress with respect to each fiscal year on—

(1) the health consequences and extent of drug abuse in the United States,

(2) a description and evaluation of the effectiveness of the drug abuse prevention functions carried out through any entity of the Department of Health, Education, and Welfare in the fiscal year for which the report is made,

(3) a description of the manner in which such functions were carried out, a description of the amount of funds expended in carrying out such functions, and a description and evaluation of the coordination within the Department of Health, Education, and Welfare in carrying out such functions,

(4) a description and evaluation of the effectiveness of experimental methods and programs implemented in carrying out such functions, recommendations for implementation of such methods and programs by others in carrying out their drug abuse prevention functions, and a description and evaluation of the effectiveness of the means used to disseminate information respecting such methods and programs, and

(5) proposals for changes in the drug abuse prevention functions carried out through the Department of Health, Education, and Welfare (including recommendations for legislation).

The report required by this subsection shall be transmitted not later than January 15 of each year.

(As amended Pub. L. 95-461, § 3(b), Oct. 14, 1978, 92 Stat. 1268.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-461 substituted provisions requiring the Secretary to transmit to the President not later than Jan. 15 of each year a drug abuse status report for each fiscal year, describing and evaluating the drug abuse prevention functions carried out each fiscal year by the Department of Health, Education, and Welfare, the effectiveness of any experimental methods and programs implemented, the effectiveness of the attempted dissemination of information, and including recommendations for the use of such experimental methods and programs by other drug abuse prevention programs and proposals for improvements in the drug abuse prevention functions carried out by the Department of Health, Education, and Welfare for provisions requiring the Secretary to submit an annual report describing and evaluating model and experimental methods and programs used for the rehabilitation of drug abusers and including recommendations for the development of improved methods and programs for such treatment and rehabilitation.

DRUG ABUSE IN RURAL AREAS; REPORT TO CONGRESS

Section 3(c) of Pub. L. 95-461, provided that: "Not later than 120 days after the date of the enactment of this Act [Oct. 14, 1978], the Secretary of Health, Education, and Welfare shall submit to the Congress a report on the extent and nature of drug abuse in rural areas, the special needs and circumstances which must be addressed in providing drug abuse prevention functions to these areas, and specific recommendations respecting such functions in these areas."

§ 1176. Formula grants

(a) Authorization of appropriations; "State" defined

There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for each of the fiscal years ending June 30, 1975, and June 30, 1976, $11,250,000 for the period July 1, 1976, through September 30, 1976, and $45,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, and September 30, 1979 for grants to States in accordance with this section. For the purpose of this section, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

[*See main edition for text of (b) to (d)*]

(e) State plans; requirements

Any State desiring to receive a grant under subsection (b)(2) or (b)(3) of this section shall submit to the Secretary, not later than July 31 of each calendar year, a State plan for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions in the State. Each State plan shall pertain to the twelve-month period of the State fiscal year which commences in the calendar year in which it is required to be submitted, and—

[*See main edition for text of (1) and (2)*]

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, of political subdivisions in the State, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State and from population groups in the State which are seriously affected by drug abuse, and which shall consult with the State agency in preparing and carrying out the plan;

[*See main edition for text of (4) to (6)*]

(7) provide reasonable opportunity for political subdivisions in the State to submit to the State agency recommendations respecting the preparation and carrying out of the State plan;

[*See main edition for text of (8) to (13); (f) and (g)*]

(As amended Pub. L. 95-83, title III, § 311(a)(3), Aug. 1, 1977, 91 Stat. 397; Pub. L. 95-461, §§ 2(a), 4, Oct. 14, 1978, 92 Stat. 1268, 1269.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-461, § 2(a), added provision authorizing appropriations for the fiscal year ending Sept. 30, 1979.

Subsec. (e). Pub. L. 95-461, § 4 in provision preceding par. (1), substituted provision requiring submission of drug abuse prevention plans by states seeking grants under subsecs. (b)(2) or (b)(3) by July 31 of each calendar year for provision requiring submission by July 15 of each calendar year, in par. (3), added provisions requiring inclusion in state advisory councils of groups from political subdivisions of the state and requiring inclusion in such councils of representatives of population groups in each state which are seriously affected by drug abuse, and substituted provision requiring consultation with such councils by the appropriate state agencies in preparation and carrying out of state drug prevention plans for provision requiring such consultation in carrying out such plans, and in par. (7), substituted provision requiring each state plan to provide reasonable opportunity for political subdivisions within each state to submit to the appropriate

state agencies recommendations for the preparation and carrying out of each state plan for provision requiring each state plan to provide for coordination of existing and planned treatment and rehabilitation programs, particularly in urban centers.

1977—Subsec. (e). Pub. L. 95–83 substituted in the second sentence "of the State fiscal year which commences in the calendar year" for "commencing October 1 of the calendar year".

§ 1177. Special project grants and contracts

(a) Scope of programs; priority

The Secretary, acting through the National Institute on Drug Abuse, shall—

[See main edition for text of (1) to (6) and closing par.]

(b) Authorization of appropriations

There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972; $65,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; $160,000,000 for each of the fiscal years ending June 30, 1975 and June 30, 1976; $40,000,000 for the period July 1, 1976, through September 30, 1976; and $160,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978, to carry out this section. For the fiscal year ending September 30, 1979, there is authorized to be appropriated (1) $153,000,000 for grants and contracts under paragraphs (3) and (6) of subsection (a) of this section for drug abuse treatment programs, and (2) $24,000,000 for grants and contracts under such subsection for other programs and activities.

[See main edition for text of (c) to (e)]

(As amended Pub. L. 95–461, §§ 2(b), 6(a), Oct. 14, 1978, 92 Stat. 1268, 1270.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95–461, § 6(a), added provision requiring the Secretary to act through the National Institute on Drug Abuse in making special project grants.

Subsec. (b). Pub. L. 95–461, § 2(b), added provisions authorizing appropriations for the fiscal year ending Sept. 30, 1979.

§ 1180. Drug abuse among Federal civilian employees

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3784, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

SUBCHAPTER V—NATIONAL INSTITUTE ON DRUG ABUSE

§ 1192. Coordination, information, assistance and assignment activities and services

[See main edition for text of (a)]

(b) Technical assistance to State and local agencies; local programs for analysis and resolutions; conferences, expenses; model legislation; uniform procedures, criteria and forms

In carrying out his functions under this section, the Director may—

[See main edition for text of (1) and (2)]

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities, and provide for uniform forms for, procedures for the submission of, and criteria for the consideration of applications of State and local governments and individuals for grants and contracts for drug abuse prevention, control, and treatment programs.

[See main edition for text of (c)]

(As amended Pub. L. 95–461, § 5, Oct. 14, 1978, 92 Stat. 1269.)

AMENDMENTS

1978—Subsec. (b)(3). Pub. L. 95–461 substituted provision relating to drug abuse prevention, control, and treatment programs for provision relating to drug abuse control and treatment programs.

§ 1193. Research and development: encouragement; clinical research facilities: establishment; authorization of appropriations

[See main edition for text of (a)]

(b) For purposes of carrying out subsection (a) of this section there are authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1976, $1,750,000 for the period July 1, 1976, through September 30, 1976, $7,000,000 for the fiscal year ending September 30, 1977, $7,000,000 for the fiscal year ending September 30, 1978, and $7,000,000 for the fiscal year ending September 30, 1979.

(As amended Pub. L. 95–461, § 2(c), Oct. 14, 1978, 92 Stat. 1268.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–461 added provision authorizing appropriations for the fiscal year ending Sept. 30, 1979.

§ 1194. Review of programs and activities

The Secretary, acting through the Institute, shall, by regulation, provide for review of all grants made, and contracts entered into, for research, training, treatment, prevention, and other programs and activities authorized under this chapter by utilizing, to the maximum extent possible, appropriate peer review groups, composed principally of non-Federal scientists and other experts in the field of drug abuse.

(Pub. L. 92–255, title V, § 504, as added Pub. L. 95–461, § 6(b)(1), Oct. 14, 1978, 92 Stat. 1270.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original, "this Act", meaning Pub. L. 92-255, Mar. 21, 1972, 86 Stat. 65, known as the Drug Abuse Office and Treatment Act of 1972, which enacted this chapter, and amended sections 5313, 5315, and 5316 of Title 5, Government Organization and Employees, and sections 218, 246, 257, 2684, 2688a, 2688k, 2688n-1, and 2688t of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.